

Retirement Facts 5

Survivor Benefits Under the Civil Service Retirement System

*This is a non-technical summary of the laws
and regulations on the subject. It should not
be relied upon as a sole source of information.*

Retirement and
Insurance
Service

RI 83-5
May 1996
Previous editions are not usable

Other titles in the Civil Service Retirement System (CSRS) Retirement Facts Series:

- ***Retirement Facts #1*** - The Civil Service Retirement System (RI 83-1)
- ***Retirement Facts #2*** - Military Service Under CSRS (RI 83-2)
- ***Retirement Facts #3*** - Deposits and Redeposits Under CSRS (RI 83-3)
- ***Retirement Facts #4*** - Disability Retirement Under CSRS (RI 83-4)
- ***Retirement Facts #6*** - Early Retirement Under CSRS (RI 83-6)
- ***Retirement Facts #7*** - Computing Retirement Benefits Under CSRS (RI 83-7)
- ***Retirement Facts #8*** - Credit for Unused Sick Leave Under CSRS (RI 83-8)
- ***Retirement Facts #9*** - Refunds Under CSRS (RI 83-9)
- ***Retirement Facts #10*** - Voluntary Contributions Under CSRS (RI 83-10)
- ***Retirement Facts #11*** - Information for Separating CSRS Employees Who Are Not Eligible for an Immediate Annuity (RI 83-11)
- ***Retirement Facts #12*** - Information About Reemployment for CSRS Annuitants (RI 83-18)
- ***Retirement Facts #13*** - CSRS Offset Retirement (RI 83-19)
- ***Retirement Facts #14*** - Law Enforcement and Firefighter CSRS Retirement (RI 83-20)

Titles of Federal Employees Retirement System (FERS) Pamphlets:

- ***FERS Pamphlet*** - FERS (RI 90-1)
- ***FERS Pamphlet*** - Information for Separating FERS Employees Who Are Not Eligible for an Immediate Annuity (RI 90-11)
- ***FERS Pamphlet*** - Information About Reemployment for FERS Annuitants (RI 90-18)

Titles of CSRS and FERS Pamphlets:

- Court-ordered Benefits for Former Spouses Under CSRS, FERS, FEHB*, & FEGLI** (RI 84-1)
- Federal Payments That May Be Available to Federal Employees and Their Families When Employees are Injured or Die on the Job (RI 84-2)
- Life Events and Your Retirement and Insurance Benefits (*For employees*) (RI 84-3)

Titles of Health and Life Insurance Pamphlets:

- Temporary Continuation of Coverage (TCC) under FEHBP* (RI 79-27)
- FEGLI** Booklet (RI 76-21)

* Federal Employees Health Benefits Program

** Federal Employees' Group Life Insurance

Survivor Annuities Upon Death of a Current Employee

Your widow or widower, former spouse (if any), and children may qualify for a survivor annuity if your death occurs while you are employed subject to the Civil Service Retirement System provided you completed at least 18 months of civilian service.

Surviving Spouse

To qualify for a survivor annuity, your spouse must have been married to you a total of 9 months. That requirement does not apply, though, if there is a child born of the marriage or your death is accidental.

If your surviving spouse qualifies, he or she will receive annually 55 percent of the amount you would have received if you had retired at the time of your death (this is called the “earned annuity”) or the lesser of : 22 percent of your highest 3 years’ average salary or 55 percent of the amount your annuity would have been if you had continued working until age 60 at the same “high-3.” Since the formula for determining survivors’ benefits is so similar to the formula for determining disability retirement benefits, you may want to refer to the detailed discussion and examples of the comparison of these three annuity computations in *“Retirement Facts 4 - Disability Retirement Under the Civil Service Retirement System.”*

A spouse’s survivor annuity begins on the day after your death. (It may be paid to a person other than your present spouse if a qualifying court order has awarded all of the survivor annuity to a former spouse.) It ends at the end of the month preceding the month in which the survivor dies or remarries before age 55.

If your surviving spouse remarries before age 55 and the annuity terminates, the survivor annuity may be restored if the remarriage ends by death, annulment, or divorce.

Survivor Annuities and Military Retired Pay

If you are receiving military retired pay and die in service without waiving it, your surviving spouse can still receive credit for your military service in the computation of the CSRS survivor annuity. However, the CSRS survivor annuity will be reduced by the amount of any military survivor benefit you provided. In some cases, it may be to your surviving spouse's advantage to exclude credit for your military service. Your spouse will be given the information needed to decide whether or not to exclude credit for your military service before the CSRS survivor annuity begins.

Children

Children qualify for survivor annuities if they are under 18 and unmarried. A child 18 or older may also qualify for a survivor annuity if incapable of self support because of a disability incurred prior to age 18. In addition, a son or daughter 18 or older may be eligible for a survivor annuity up to age 22 if he or she is a full-time student at a high school, college, or other recognized educational institution. Each child of a surviving spouse or former spouse will be entitled to a monthly benefit of \$325. Each child who has no surviving parent or whose surviving parent was never married to you, will be entitled to a monthly benefit of \$392. These amounts are reduced proportionately if more than three children are eligible for survivor annuities. The amount of children's benefits (like retiree and spouse annuities) are periodically increased by cost of living increases.

The children's rates quoted above are applicable from March 1996, through February 1997.

The survivor annuity to each qualified child begins the day after your death and ends when the child reaches 18 (unless a student or disabled child as described above), marries, or dies. The survivor annuity to a student ends when he or she marries, dies, attains age 22, or ceases to be a full-time

student. The survivor annuity to a disabled child ends if the child becomes capable of self-support, marries, or dies.

A child's annuity will be paid to his or her guardian if one has been appointed by a court. If no guardian is appointed, OPM may make the payment to the person who has the care and custody of the child.

Former Spouse

A former spouse who was divorced from you on or after May 7, 1985, may receive all or part of the annuity otherwise payable to a surviving spouse if a court order requires it. To be eligible, the former spouse must have been married to you for at least 9 months, and must not remarry before age 55.

Lump Sum Payment Upon Death of a Current Employee

If you die leaving no survivors who qualify for a survivor annuity, your contributions to the Civil Service Retirement Fund, plus any applicable interest, will be paid as a lump-sum death benefit. No interest is payable if you had paid into the Retirement Fund for less than 1 year or had more than 5 years of civilian service. If you leave survivors who qualify for a survivor annuity, no lump-sum death benefit is payable immediately. A lump-sum payment may be made later if, when the survivors' annuities end, they have received in annuities an amount less than your contributions to the Retirement Fund, plus any applicable interest. Then the remainder of your contributions would be payable.

If a lump-sum death benefit is payable, it will be paid to the person or persons you named as beneficiary. If you did not designate a beneficiary, the lump-sum death benefit would be payable in this order:

- First: to your widow or widower;
- Second: to your child or children in equal shares, with the share of any deceased child distributed among the descendants of that child;
- Third: to your parents (or parent);
- Fourth: to the executor or administrator of your estate;
- Fifth: if none of the above, to your next of kin who may be entitled under the laws of the State in which you live at the time of your death.

You do not have to designate a beneficiary to receive the lump-sum death benefit unless you wish the benefit to be paid differently from the order set out above. A designation of beneficiary is for lump-sum death benefit purposes only and does not affect the right of any person who can qualify for a survivor annuity.

A designation of beneficiary must be in writing (on Standard Form 2808) and must be received in the Office of Personnel Management before your death. If you designate a beneficiary, remember to review your designation periodically. If your marital or family status changes, you may want to reconsider the designation you have on file.